

**United States District Court**

**for the**

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 22, 2019**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Ohara M. Molinero Case Number: 0980 2:09CR00126-SAB-1

Address of Offender: Wenatchee, Washington 98801

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, U.S. District Judge

Date of Original Sentence: October 26, 2010

Original Offense: Cts. 1 and 2: Distribution of 5 Grams or More of Pure (Actual) Methamphetamine, 21 U.S.C. § 841(a)(1)  
Ct. 4: Possession with Intent to Distribute 50 Grams or More of a Mixture of Substance Containing a Detectable Amount of Methamphetamine, 21 U.S.C. § 841(a)(1).

Original Sentence: Prison - 78 months; TSR - 120 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Ann Wick Date Supervision Commenced: August 30, 2016

Defense Attorney: Katherine Westerman Date Supervision Expires: December 2, 2025

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**PETITIONING THE COURT**

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 09/26/2019 and 10/17/2019.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

8      **Special Condition #18:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Molinero is considered to be in violation of his supervised release by using methamphetamine on or about August 31, 2019.

On December 4, 2015, this officer met with Ohara M. Molinero and reviewed the conditions of supervision as outlined in the Judgement and Sentence. Mr. Molinero signed, acknowledging the requirements.

On September 9, 2019, this officer met with Mr. Molinero at his residence. He disclosed he relapsed and used methamphetamine on August 31, 2019. He said he had concluded his shift at the warehouse about 2 a.m. and was "feeling bored," and used methamphetamine. He also

**Re: Molinero, Ohara M.**

**October 21, 2019**

**Page 2**

said he was missing his daughter as she had gone back to her mother's residence in Spokane, Washington.

We discussed ways of combating his feeling of boredom to include obtaining a gym membership and calling his sponsor. He also agreed to discuss his drug use with his substance abuse treatment group and his counselor, to which he did.

On September 13, 2019, Mr. Molinero, along with his substance abuse counselor and this officer, participated in a staffing. Mr. Molinero agreed he would enter into an Intensive Outpatient Program (IOP); however, there was a waiting list and it could be several weeks before he could start that program. He agreed to meet with his substance abuse counselor weekly and continue to attend his weekly group sessions.

9

**Special Condition #18:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Molinero is considered to be in violation of his supervised release by using methamphetamine on October 16, 2019.

On December 4, 2015, this officer met with Ohara M. Molinero and reviewed the conditions of supervision as outlined in the Judgement and Sentence. Mr. Molinero signed, acknowledging the requirements.

On October 16, 2019, this officer spoke with Ohara M. Molinero via cell phone and requested he go to The Center for Alcohol and Drug Abuse Treatment to make up his missed random urine test from last week. He said, "It is going to be dirty." Mr. Molinero disclosed he used methamphetamine earlier that day. He agreed to go to The Center for Alcohol and Drug Abuse Treatment and provide a urine specimen or sign an admission form. Mr. Molinero reported to the facility that same day and signed an admission form, which was forwarded to this officer.

10

**Special Condition #18:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Molinero is considered to be in violation of his supervised release by providing a presumptive positive urine sample for methamphetamine at the U.S. Probation Office in Spokane, Washington, on October 17, 2019.

On December 4, 2015, this officer met with Ohara M. Molinero and reviewed the conditions of supervision as outlined in the Judgement and Sentence. Mr. Molinero signed, acknowledging the requirements.

Mr. Molinero appeared for arraignment on the supervised release violations on October 17, 2019, before U.S. Magistrate Judge John T. Rodgers. The Judge released Mr. Molinero and scheduled a detention hearing for the following day. He directed Mr. Molinero to provide

**Re: Molinero, Ohara M.**

**October 21, 2019**

**Page 3**

a urine sample, which was presumptive positive for methamphetamine. That sample was sent to the laboratory for further analysis. As of the date of this report, the confirmation test results are still pending.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 21, 2019

s/Stephen Krous

Stephen Krous  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

10/22/2019

Date